

**REMARKS/ARGUMENTS**

Claims 4 and 5 are pending in the present application. Claims 4 and 5 have been rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Prosenbauer (U.S. Pat. No. 4,286,510). Applicant traverses the rejection.

Claims 4 and 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Prosenbauer. Applicant asserts that Prosenbauer does not teach each and every limitation of amended claim 4. Specifically, amended claim 4 in part requires "wherein the concentration of brine being different in each reservoir and having a predetermined salt and nitrite concentrate." This amendment gains its antecedent basis from page 3 lines 17-23. Prosenbauer does not teach a fluid reservoir having a predetermined salt and nitrite concentrate. Instead, Prosenbauer teaches the use of brine. The Prosenbauer reference does not discuss using nitrite in its concentrate and thus this limitation is not met.

Claim 4 has also been amended to require "wherein the banks of injection needles move downwardly to inject the meat product based upon historical data to determine a location of lean and fat areas in the meat products." This amendment to the claim gains its antecedent basis from page 3, lines 17-25 that states "the meat product 14 is usually inspected and/or historical data is used to determine the location of lean and fat areas in the meat product 14." Prosenbauer does not teach the use of historical data. Instead Prosenbauer teaches using one kind of brine for first needle case and then pickling the meat by means of a second needle case with a different composition of brine. (Col. 3, lines 33-53). The Prosenbauer reference does not teach supplying brine to different areas of fat and lean in order to get an even distribution of brine and thus there is not a

concern or need to have historical data to determine where the fat and lean areas of meat are located. Thus, this limitation is not met and each and every limitation of the claimed invention is not present. Consequently, Applicant asserts that the anticipation rejection has been overcome.

Claim 5 depends on claim 4 and for at least this reason is considered in allowable form. Additionally, Applicant asserts that this amendment places the application in condition for allowance and thus respectfully requests that the amendment be entered.

#### CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley  
Reg. No. 45,253  
ZARLEY LAW FIRM, P.L.C  
Capital Square  
400 Locust Street, Suite 200  
Des Moines, IA 50309-2350  
Phone No. (515) 558-0200  
Fax No. (515) 558-7790  
Customer No. 34082  
Attorneys of Record

- JLH/bjs -